

COVID-19: Arkansas Department Provisional COVID-19 Enforcement Guide Update

09/11/2020

On July 2, 2020, Arkansas Department of Energy and Environment (ADEE) Secretary Becky Keogh issued a memo stating the United States Environmental Protection Agency (EPA) memo scheduling the termination of the EPA's Enforcement Discretion under COVID-19 would have no direct impact on the ADEE-issued COVID-19 guidance.

EPA issued its Memorandum addressing "COVID-19 Implications for EPA's Enforcement Assurance Program" on March 26, 2020. On June 29, 2020, announced it would be ending the relief measures detailed in its COVID-19 Enforcement Discretion on August 31, 2020.

ADEE issued its COVID-19 Enforcement Guidance on March 30, 2020. The ADEE guidance established a procedure for submitting COVID-19 related enforcement discretion requests to E&E via a dedicated e-mail address. According to ADEE at the time of the release of the guidance, staff will "work diligently to expeditiously review and respond to incoming requests from regulated entities."

The Division of Environmental Quality (DEQ) subsequently released the DEQ Provisional COVID-19 Enforcement Guidance on April 1, 2020. The guidance addressed the following issues:

- Civil violations
- General permit conditions
- Routine compliance and monitoring and reporting
- Consent Administrative Order reporting and milestones
- Facility operations
- Licensing
- Accidental releases
- Criminal violations
- Self-Disclosure Incentive Program

A copy of the July 2, 2020 ADEE memorandum may be accessed [here](#).

Our firm has reported on a number of COVID-19 related items of interest regarding both DEQ and EPA announcements and guidance. Previous articles of interest include:

[Coronavirus Disease 2019: Governor Asa Hutchinson Executive Order 20-06:](#)

<https://www.mitchellwilliamslaw.com/coronavirus-disease-2019-governor-asa-hutchinson-executive-order-20-06>

[Coronavirus \(COVID-19\) of 2020: Arkansas Department of Energy and Environment - Division of Environmental Quality Director Becky Keogh Issues Emergency Order](https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-of-2020-arkansas-department-of-energy-and-environment-division-of-environmental-quality-director-becky-keogh-issues-emergency-order)

<https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-of-2020-arkansas-department-of-energy-and-environment-division-of-environmental-quality-director-becky-keogh-issues-emergency-order>

[Coronavirus\(COVID-19\): U.S. Environmental Protection Agency Issues Temporary Policy regarding Enforcement Discretion/Compliance Assurance](https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-us-environmental-protection-agency-issues-temporary-policy-regarding-enforcement-discretion-compliance-assurance)

[https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-us-environmental-protection-agency-issues-temporary-policy-regarding-enforcement-discretion/compliance-assurance](https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-us-environmental-protection-agency-issues-temporary-policy-regarding-enforcement-discretion-compliance-assurance)

[Coronavirus \(COVID-19\)/Arkansas Department of Energy and Environment - Division of Environmental Quality: Secretary Keogh Announces Staff to Work Remotely](https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-arkansas-department-of-energy-and-environment-division-of-environmental-quality-secretary-keogh-announces-staff-to-work-remotely)

<https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-arkansas-department-of-energy-and-environment-division-of-environmental-quality-secretary-keogh-announces-staff-to-work-remotely>

[Coronavirus \(COVID-19\): Arkansas Department of Energy and Environment Issues Environmental Enforcement Guidance](https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-arkansas-department-of-energy-and-environment-issues-environmental-enforcement-guidance)

<https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-arkansas-department-of-energy-and-environment-issues-environmental-enforcement-guidance>

[Coronavirus \(COVID-19\): Arkansas Department of Energy and Environment Establishes Resources and Information Webpage](https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-arkansas-department-of-energy-and-environment-establishes-resources-and-information-webpage)

<https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-arkansas-department-of-energy-and-environment-establishes-resources-and-information-webpage>

[Coronavirus \("COVID-19\)/U.S. Environmental Protection Agency Temporary Policy Addressing Enforcement Discretion: Environmental Organizations File Judicial Challenge](https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-us-environmental-protection-agency-temporary-policy-addressing-enforcement-discretion-environmental-organizations-file-judicial-challenge)

<https://www.mitchellwilliamsllaw.com/coronavirus-covid-19-us-environmental-protection-agency-temporary-policy-addressing-enforcement-discretion-environmental-organizations-file-judicial-challenge>

[COVID-19/Part 75 Clean Air Act Regulations: U.S. Environmental Protection Agency Publishes Interim Final Rule Addressing Certain Monitoring/Reporting Requirements](https://www.mitchellwilliamsllaw.com/covid-19-part-75-clean-air-act-regulations-us-environmental-protection-agency-publishes-interim-final-rule-addressing-certain-monitoring-reporting-requirements)

[https://www.mitchellwilliamsllaw.com/covid-19-part-75-clean-air-act-regulations-us-environmental-protection-agency-publishes-interim-final-rule-addressing-certain-monitoring/reporting-requirements](https://www.mitchellwilliamsllaw.com/covid-19-part-75-clean-air-act-regulations-us-environmental-protection-agency-publishes-interim-final-rule-addressing-certain-monitoring-reporting-requirements)

[COVID-19/Endangered Species Act: Center for Biological Diversity Notice of Intent to Sue Regarding U.S. Environmental Protection Agency Enforcement Discretion/Compliance Assurance Policy](https://www.mitchellwilliamsllaw.com/covid-19-endangered-species-act-center-for-biological-diversity-notice-of-intent-to-sue-regarding-us-environmental-protection-agency-enforcement-discretion-compliance-assurance-policy)

[https://www.mitchellwilliamsllaw.com/covid-19-endangered-species-act-center-for-biological-diversity-notice-of-intent-to-sue-regarding-us-environmental-protection-agency-enforcement-discretion/compliance-assurance-policy](https://www.mitchellwilliamsllaw.com/covid-19-endangered-species-act-center-for-biological-diversity-notice-of-intent-to-sue-regarding-us-environmental-protection-agency-enforcement-discretion-compliance-assurance-policy)

[COVID-19: EPA Answers Frequently Asked Questions Related to Coronavirus](https://www.mitchellwilliamsllaw.com/covid-19-epa-answers-frequently-asked-questions-related-to-coronavirus)

<https://www.mitchellwilliamsllaw.com/covid-19-epa-answers-frequently-asked-questions-related-to-coronavirus>